

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:11-2064-JFA
)	
v.)	ORDER
)	
ERIC FREDERICK WILLIAMS)	
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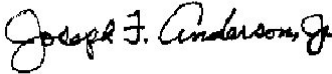
This matter came before the court for a hearing on July 8, 2013, following an unopposed remand from the United States Court of Appeals for the Fourth Circuit. In its remand order, the Court directed that this court conduct an evidentiary hearing to determine “if the defendant’s state court *Alford* plea and conviction met the minimal constitutional requirements to serve as the basis for the enhanced sentence [received by the defendant].”

With commendable candor, Assistant United States Attorney William Witherspoon announced at the commencement of the hearing that the government was prepared to concede the issue to the defendant. In other words, the government stipulated that the defendant’s state court *Alford* plea did not meet minimal constitutional requirements to serve as the basis for the enhanced sentence. This court has also reviewed the very brief transcript of defendant’s state court *Alford* plea and has little hesitation in concluding that minimal constitutional guarantees were not met. The colloquy between the court and the defendant consumed but one and one half pages of transcript, and falls woefully short of ensuring that the defendant understood all of the substantive and procedural rights to which he was entitled as a defendant in state court.

For the foregoing reasons, this court determines that the defendant's state court *Alford* plea does not meet minimal constitutional requirements. The Clerk is directed to forward a copy of this order to the Fourth Circuit Court of Appeals.

IT IS SO ORDERED.

July 15, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge